

On October 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14703. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21289. I. S. No. 12303-x. S. No. C-5214.)

On August 19, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Alpha Creamery Co., from St. Paul, Minn., August 14, 1926, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On September 16, 1926, the Alpha Creamery Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat and not more than 16 per cent of water.

W. M. JARDINE, *Secretary of Agriculture.*

14704. Adulteration and misbranding of so-called health water. U. S. v. Twenty-One 5-Gallon Bottles of Williams Acme Spring Health Water. Default decree of forfeiture and destruction entered. (F. & D. No. 19903. I. S. No. 13598-v. S. No. E-5185.)

On March 19, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of twenty-one 5-gallon bottles of Williams Acme spring health water, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Williams Bros., from Norfolk, Va., on or about February 4, 1925, and transported from the State of Virginia into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Williams Acme Spring Health Water Williams Brothers Norfolk, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid substance.

Misbranding was alleged for the reason that the statement "Health Water," borne on the label, was misleading and deceived and misled the purchaser.

On June 18, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14705. Adulteration of tomato puree. U. S. v. 325 Cases of Tomato Puree. Default decree of forfeiture and destruction entered. (F. & D. No. 19506. I. S. No. 13221-v. S. No. E-5105.)

On January 20, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 325 cases of tomato puree, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Rio Grande Packing Co., Rio Grande, N. J., October 18, 1924, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunbeam Tomato Puree."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 6, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14706. Adulteration of canned tomato puree and canned strained tomatoes. U. S. v. 785 Cases of Tomato Puree, et al. Default decrees of forfeiture and destruction entered. (F. & D. Nos. 20564, 20565, 20588, 20589, 20628. I. S. Nos. 7152-x to 7156-x, incl. S. Nos. E-5549, E-5550, E-5565, E-5580.)

On November 12 and 21, 1925, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 919 cases of canned tomato puree and 103½ cases of canned strained tomatoes, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the articles had been shipped by the Keough Canning Co., from Glassboro, N. J., in various consignments, between the approximate dates of August 27 and October 7, 1925, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The articles were labeled, variously: "Holly Bush Brand Tomato Puree Packed By Keough Canning Co., Glassboro, N. J.," "Sweet Life Brand Fancy Tomato Puree," "See Bee Brand Strained Tomatoes," "Blue Coat Brand Strained Tomatoes * * * Packed By Keough Canning Co., Glassboro, N. J."

Adulteration of the articles was alleged in the libels for the reason that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

On May 3, 1926, no claimant having appeared for the property, judgments of forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14707. Adulteration and misbranding of punch. U. S. v. 27 Cases, et al., of Punch. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19081, 19082. I. S. Nos. 13266-v to 13275-v, incl. S. Nos. E-4987, E-4989.)

On October 27, 1924, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 74 cases of punch, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Flip Mfg. Co., from Scranton, Pa., in part May 5, 1924, and in part June 7, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pint Swartz's Family Punch Flavored Syrup * * * Manufactured By Flip Manufacturing Co., Scranton, Pa.," together with statements of the various flavors, "Orange," "Raspberry," "Grape," "Cherry," or "Lime & Lemon."

Adulteration of the article was alleged in the libels for the reason that a substance, an imitation punch, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements "One Pint" and "Orange" (or "Raspberry," "Grape," "Cherry," "Lime & Lemon," as the case might be) together with the design of assorted ripe fruits, borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was also alleged for the reason that the article was an imitation and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 13, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*